

1 JOHN A. RUSSO, City Attorney, SBN 129729
RANDOLPH W. HALL, Chief Assistant City Atty., SBN 080142
2 WILLIAM E. SIMMONS, Supervising City Atty., SBN 121266
One Frank H. Ogawa Plaza, 6th Floor
3 Oakland, California 94612
Telephone: (510) 238-6520, Fax: (510) 238-6500
4 26139:457807

5 Attorneys for Defendants,
CITY OF OAKLAND, et al.
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**
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12 GARY KING, JR., DECEASED, THROUGH
HIS SUCCESSOR IN INTEREST ASHANTE
13 SIMPSON ON BEHALF OF BABY KING;
GARY KING, SR., Individually, CATHERINE
14 KING, Individually, and ASHANTE
SIMPSON as Next Friend on behalf of
15 BABY KING, Individually,

16 Plaintiffs,

17 v.

18 CITY OF OAKLAND, a public entity POLICE
SERGEANT PATRICK GONZALES,
19 Individually, CHIEF OF POLICE WAYNE
TUCKER, individually and in his official
20 capacity, and DOES 1 through 10, Jointly
and Severally,
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22 Defendants.

Case No. C 08-02394 SBA

RULE 26(f) REPORT

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1 Pursuant to the Court's Initial Case Management Scheduling Order, the
2 parties submit the following Rule 26(f) Report:

3 **1. RULE 26(a) DISCLOSURES**

4 The parties will make initial disclosures by August 28, 2008 and update
5 disclosures as required by the Federal Rules of Civil Procedure. No other changes to
6 Rule 26(a) are contemplated.

7 **2. DISCOVERY PLANNED**

8 The parties intend to depose the parties and witnesses to the factual events
9 which form the basis of the complaint. Plaintiffs also intend to depose police investigators
10 and others involved in the investigation of this incident and possibly other related
11 incidents, as well as OPD supervisors, command staff, and "Persons Most
12 Knowledgeable" concerning policies, procedures, training, and standards of care related to
13 the subject matter herein. The parties agree that they may exceed ten depositions per
14 side. These depositions should be completed within the next eight to ten months.

15 As to limitations on discovery, defendants request that Monell discovery be
16 stayed until individual liability is determined. Plaintiffs object that this request will cause
17 unnecessary delay, will increase costs and fees by requiring certain individuals to be
18 deposed more than once, and will prejudice the Plaintiffs from learning relevant
19 information currently in Defendants' exclusive control and which may be necessary for
20 Plaintiffs' counsel to understand in order to properly conduct fact discovery.

21 **3. DISCOVERY LIMITATIONS**

22 None other than as set forth above.

23 **4. OTHER MATTERS**

24 The parties agree to submit a stipulated protective order to cover all matters
25 relevant to the subject matter of this case for which a party may claim a privilege (other
26 than attorney-client privilege), such as police personnel and Internal Affairs information

1 and medical information.

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3 DATED: August 25, 2008

JOHN A. RUSSO, City Attorney
RANDOLPH W. HALL, Chief Assistant City Attorney
WILLIAM E. SIMMONS, Supervising Trial Attorney

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6 By: /S/ William E. Simmons

Attorneys for Defendants,
CITY OF OAKLAND, et al.

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8
9 MICHAEL J. HADDAD
HADDAD & SHERWIN

10
11 By: /S/Michael J. Haddad

Attorneys for Plaintiffs,
GARY KING, JR., et al.